

**FILED**

Dec 9, 2002

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF

Administrative Action

Aruna Ramanadham, M.D.  
License No: MA 49440

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FINAL ORDER  
OF DISCIPLINE

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

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This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Aruna Ramanadham, M.D., License No. MA 49440, is a physician licensed in the State of New Jersey and has been a licensee at all times relevant hereto. Respondent's license is currently active.

2. On August 2, 1999, a Decision After Hearing was entered by an Administrative Law Judge, after Respondent appealed a decision by the State of New York Department of Health (Department). After a hearing, the Administrative Law Judge affirmed the Department's decision and found that Respondent was to be excluded from the Medicaid Program for three years because she

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hat engaged in unacceptable practices and that a monetary penalty in the amount of \$102,000 would be imposed.

3. Based on the New York action, on November 29, 1999, the New Jersey Division of Medical Assistance and Health Services debarred Respondent from any further participation in any capacity in the New Jersey Medicaid and New Jersey KidCare programs.

4. The New York Administrative Law Judge's determination was bas  
for

1994 to March 1995. The 134 services were provided on the 54 dates

for the 19 patients during that period. Among the procedures Appellant/Respondent billed for, were 51 tympanometry claims, which the Department imposed a penalty of \$2000 for each claim, on the grounds that none of the 51 tympanometry tests was documented to be necessary.

5. The Appellant/Respondent's patient records had been reviewed by the Department in two previous occasions. After each review the Department advised the Respondent that her charts contained deficiencies, reminded her of the obligation to document the medical necessity for the ancillary diagnostic procedures, and made specific reference to audiologic function tests.

6. It was also found that Appellant/Respondent's over

failed to provide this level of service to her patients.

CONCLUSIONS OF LAW

p.m. on the 30<sup>th</sup> business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons thereof.

Respondent through counsel responded to the Provisional Order of Discipline by way of two letter submissions dated July 3, 2002 and August 5, 2002 stating that she believes these proceedings should be terminated, or in the alternative, that the sanction be modified. Respondent argues that while the allegations were based on findings made by a nurse/reviewer and subsequent findings were made by a medical reviewer, neither reviewer interviewed the 19 patients involved in the audit. By way of mitigation, Respondent states that during her Medicaid hearing before the New York State Department of Health, she suffered extreme medical difficulty relating to her diabetes, and that she suffered from various health problems from 1998 to 2000, ranging from having a hysterectomy to an infected hip and thigh which required surgeries. Respondent claims that her health issues prevented her from actively participating in her defense, resulting in her exclusion from

participation in New York State Medicaid for three years in addition to the assessment of a \$102,000 penalty.

Furthermore, Respondent states that the matter was thereafter referred to the New York State Office of Professional Medical Conduct (OMPC), which determined that no further disciplinary action should be taken. Respondent states that she has not been engaged in active practice due to her health issues since being barred from participation in the New Jersey Medicaid and New Jersey KidCare programs. In addition, Respondent argues that as the New York OMPC did not take action, New Jersey should not because "it is difficult to discern how New Jersey's interest in prosecuting a licensing action against [Respondent] could be more significant than New York." Respondent also states that since there are no new facts in the case, additional discipline is not warranted. Further, Respondent feels that if the New Jersey Board wishes to go forward with disciplinary charges that she should be entitled to a new hearing where she could defend herself on the merits of the case.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the Findings of Fact or Conclusions of Law.

ACCORDINGLY, IT IS on this 9th day of Dec, 2002,

ORDERED **that:**

1. Respondent's New Jersey license is hereby  
reprimanded.

NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS

*William Harrer MD BLD*

By:

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William V. Harrer, M.D., B.L.D.  
Board President